IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2502 OF 2004

Balasaheb Rangrao Lad ..Petitioner
Vs.
Chief Executive Vanita's
Industries ..Respondent

Mr. Sagar Kasar i/by Mr. Kuldeep S. Patil for petitioner.
Mr. S.S. Pakale for respondent.

CORAM: B.H. MARLAPALLE, J.

Date : December 18, 2007.

P.C.:

1. Heard Mr. Kasar i/by Mr. K.S. Patil the learned counsel for the petitioner.

2. Rule. Mr. Pakale waives service for the respondent. The petition is taken up for final hearing forthwith more so because as per the order dated 19/11/2007 the R & P has been received by the Registry and I have perused the same.

3. The petitioner is aggrieved by the judgment and order dated 17/10/2003 by which Revision Application (ULP) No. 5 of 1993 filed by the

petitioner before the Industrial Court at Satara came to be dismissed and mainly on the ground that the petitioner by his application dated 6/3/2003 had settled the dispute with the respondent-company. The learned Member of the Industrial Court has admittedly heavily relied upon the so called settlement dated 6/3/2003 and held that revision application had become infructuous due to the said settlement between the parties.

4. I have perused the alleged settlement dated 6/3/2003. The learned counsel for the petitioner submitted that he being an illiterate person, he could not have signed the same and the factum of settlement was disputed before the revision court as well. Having regards to the fact that the petitioner is an illiterate person I found some merits in his contention that the settlement dated 6/3/2003 cannot be termed as a settlement between the parties, even a bipartite settlement within the meaning of Section 18(1) of the Industrial Disputes Act, 1947. When such a document was placed before the Industrial Court, it was necessary for the learned Member to call upon the

revision applicant to enter the witness box and record his verification on the said settlement as well as his having accepted the same voluntarily and signed. The learned Member did not do so and on the other hand made observations in para 6 that the settlement was arrived between the parties and the revision application had become infructuous due to the same. This approach of the Industrial Court does not meet the ends of justice and it would be, therefore, necessary that the revision application is restored and remanded to the Industrial Court for being decided on its own merits afresh.

5. Hence the petition is partly allowed and the impugned order dated 17/10/2003 is hereby quashed and set aside. Revision Application (ULP) No. 5 of 1993 is restored to the file of the Industrial Court at Satara for being heard and decided de novo. Parties to appear before the Industrial Court at Satara on 21/1/2008 and the said revision application be heard and decided on its own merits preferably within a period of three months from the date of appearance on 21/1/2008. Rule is made absolute accordingly.

(B.H. Marlapalle,J.)